

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4572 of 2021

DATE OF DECISION :- February 22, 2021

Gurpreet Singh alias Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Tejinder Pal Singh, Advocate for the petitioner.

The case has been taken up through Video Conferencing.

By way of filing the present petition, petitioner Gurpreet Singh alias Gopi son of Shri Joga Singh, aged about 35 years, resident of village Uppal Khalsa, Police Station Noormahal, District Jalalldhar, presently residing at Via Maestri Del Lavoro No. 4, 37047, San Bonifacio, Italy, who has been declared as a proclaimed offender in case F.I.R No. 298 dated 17.12.2007 under Sections 307, 506, 148, 149 IPC (Section 323 IPC added later on) and Sections 25, 27 of the Arms Act registered with Police Station Banga, District Nawanshahr seeks quashing of the F.I.R as well as the order declaring him proclaimed offender.

This petition is not maintainable since in a judgment passed by a coordinate Bench in case titled 'Mehnga Singh versus State of Punjab 2002(1) CLJ (Criminal) 302' it was observed that when an accused has been declared as a proclaimed offender petition against the order under Section 482 Cr.P.C. is not maintainable, the accused should first move the Court

who had declared him a proclaimed offender and even an objection against validity of proclamation is required to be raised in the first instance before the Court which issued the proclamation and power under Section 482 Cr.P.C. is not to be exercised in favour of a person who is absconding or avoiding service. In the judgment 'State of Madhya Pradesh versus Pradeep Sharma 2014(1) R.C.R. (Criminal) 269' the Hon'ble Supreme Court of India has observed that when an accused is absconding and has been declared as a proclaimed offender in terms of Section 82 Cr.P.C. then such accused should not be granted anticipatory bail.

Accordingly, the petition is dismissed. The petitioner is directed to surrender in the trial Court and move an application for regular bail. In the event of petitioner doing so within a period of 15 days from today then the trial Court would make earnest efforts to dispose of the said application for regular bail expeditiously.

(H.S. MADAAN)
JUDGE

February 22, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No